

Alan S. Tilles, Esquire

Counsel

Government Wireless Technology & Communications Association

12505 Park Potomac Ave., Sixth Floor

301-230-5200

atilles@shulmanrogers.com | www.gwtca.org



June 4, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Filing
Amendment of Part 90 of the Commission's Rules
To Improve Access to Private Land Mobile Radio
WP Docket No. 16-261

Dear Ms. Dortch:

The Government Wireless Technology & Communications Association ("GWTCA"), hereby respectfully submits the following Ex Parte Comments in the above referenced proceeding, in response to the Ex Parte filings during the past two months from WIA, the Enterprise Wireless Alliance ("EWA") and the Land Mobile Communications Council ("LMCC").

The FCC issued a Notice of Proposed Rule Making in WP Docket No. 16-261 almost two years ago. Four years ago the Commission requested comments on LMCC's ill-conceived proposal to create a preference for incumbent licensees to be able to obtain additional Expansion Band ("EB") and Guard Band ("GB") spectrum in the 800 MHz band. In the interim, existing licensees and potential licensees have had to suffer through endless volleys between supporters and those that oppose the preference, while on a daily basis the amount of spectrum available to Part 90 eligible applicants shrinks.

On December 22, 2016, GWTCA (which is not a frequency coordinator), filed substantive comments questioning how the preference would work. Specifically, GWTCA asked: (a) how an incumbent would be defined; (b) what restrictions there would be on a single incumbent asking for additional channels; and (c) whether an incumbent would only be an incumbent in a limited service area.

Although there have been multiple ex parte communications with the Commission since December 22, 2016, GWTCA's legitimate concern over how an incumbent would be defined have yet to be addressed. This is a threshold question which must be addressed in order to determine how the proposed system would function. The Commission's adoption of an inadequate definition will do nothing more than to further delay release of this needed spectrum through the filing of Petitions for Reconsideration.

Alan S. Tilles, Esquire

Counsel

Government Wireless Technology & Communications Association

12505 Park Potomac Ave., Sixth Floor

301-230-5200

atilles@shulmanrogers.com | www.gwtca.org



The reality is that had a preference been adopted four years ago, the time frame for the preference would have long ago lapsed. However, the time has passed for action to complete the release of spectrum promised to the land mobile radio industry fourteen years ago.

Regardless of which decision the Commission wishes to make on this issue, it is urgent that the Commission take action. Further delay needlessly sacrifices the ability of eligible entities, regardless of how defined, to access spectrum.

Sincerely,

Alan S. Tilles, Esquire
Counsel
Government Wireless Technology
& Communications Association